

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

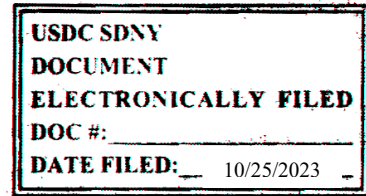
-----X
Jeremiah F. Herbert,

Plaintiff,

-against-

Charles Lynch, et al.,

Defendants.
-----X



7:22-CV-6303 (VR)

ORDER

VICTORIA REZNIK, United States Magistrate Judge:

On September 19, 2023, the Court ordered the parties to submit evidence substantiating their positions on Plaintiff's motion for spoliation sanctions pursuant to Rule 37(e) of the Federal Rules of Civil Procedure. (ECF No. 69). The Court timely received Plaintiff's filings (ECF Nos. 70, 74, 76), and Defendants' response (ECF No. 78). The Court has not yet received Plaintiff's reply, which was due on October 17, 2023. On October 23, 2024, the Court received a letter from Plaintiff, stating that he had been transferred from Clinton Correctional Facility to Green Haven Correctional Facility. (ECF No. 80). The Court observes that Defendants' affidavit of service provided that their response papers were mailed to Clinton Correctional Facility. (ECF No. 79). Since Plaintiff has been transferred from Clinton to Green Haven, the Court cannot verify whether Plaintiff ever received Defendants' response papers. Accordingly, Defendants are directed to re-serve their response papers upon Plaintiff. Defendants are directed to effectuate service by no later than **October 27, 2023**. The deadline for Plaintiff's reply is extended until **November 3, 2023**.

Plaintiff is reminded that he has an obligation to promptly submit a written notification to the Court if Plaintiff's address changes, and the Court may dismiss the action if Plaintiff fails to do so. Accordingly, Plaintiff is directed to promptly update his address by completing and returning the attached Notice of Change of Address to the Pro Se Unit at 300 Quarropas Street, White Plains, New York 10601.

The Clerk of Court is respectfully directed to mail copies of this order, the docket sheet, and ECF No. 69, to Plaintiff at his address at Green Haven Correctional Facility.

SO ORDERED.

DATED: White Plains, New York
October 25, 2023



VICTORIA REZNIK
United States Magistrate Judge

IH-34

Rev:2014-1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

(List the full name(s) of the plaintiff(s)/petitioner(s).)

____CV____ (____)(____)

-against-

NOTICE OF CHANGE OF
ADDRESS

(List the full name(s) of the defendant(s)/respondent(s).)

I hereby notify the Court that my address has changed to the following:

Name (Last, First, MI)

Address

City

State

Zip Code

Telephone Number

E-mail Address (if available)

Date

Signature